

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 22947 OF 2022

Pravat Kumar Kundu

Petitioner

Mr. Sarbeswar Prusty, Advocate

-versus-

Union of India and others

.... ***Opp. Parties***

Mr. P.K. Parhi,

Deputy Solicitor General of India for Odisha

along with Mr. B.K. Padhi, CGC

CORAM:

JUSTICE K.R. MOHAPATRA

ORDER

15.09.2022

Order No.

- 01.
1. This matter is taken up through hybrid mode.
 2. The Petitioner in this writ petition seeks to assail the order dated 29th July, 2022 (Annexure-11) issued by the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 directing the Petitioner to vacate Quarter No.315, Type-II in Group Centre, Bhubaneswar within fifteen days from the date of issue of the said order.
 3. Mr. Prusty, learned counsel for the Petitioner submits that the Petitioner was allotted with the quarters in 2019. Since then, the family members of the Petitioner are residing there. Eldest daughter of the Petitioner is pursuing ITI course in the institute situated within the CRPF campus at Bhubaneswar. His 2nd daughter is undertaking her Law course in Capital Law College, Bhubaneswar and the 3rd daughter is studying in Kendriya Vidyalaya (Class-VII) for the year 2022-23. Thus, he requires the residential quarters/ accommodation on the ground of education of his children. Clause 16 (iv) and 27 of the

Guidelines for allotment and Occupation of Family Quarters in CRPF, 2015 (Annexure-13) is squarely applicable to the Petitioner. At this juncture, the order under Annexure-11 was served on the Petitioner to vacate the said quarters. Penal rent is also being recovered from him forcibly.

4. In course of hearing, Mr. Tripathy, learned counsel submitted that the Petitioner has made a representation dated 8th July, 2022 (Annexure-10) to the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar- Opposite Party No.3 for redressal of his grievance and to allow him to retain the said quarters. During pendency of his grievance petition before the Authority, order under Annexure-11 for eviction of quarters has been issued. Hence, finding no other alternative, the Petitioner has filed this writ petition.

5. Mr. Parhi, learned Assistant Solicitor General appearing for the CRPF submits that the Petitioner is not entitled to retain the quarters as he has already retained the family accommodation for more than three years. Hence, this writ petition is not maintainable and is liable to be dismissed. Moreover, damages at the rate of Rs.14,800/- for the first month with effect from 20th July, 2022 is just and proper as the Petitioner is not entitled to retain the quarters under Clause 27 of the Guidelines. Many eligible CRPF personnel are waiting for allotment of quarters. Further, the Petitioner is also entitled to 18% HRA of his salary if he takes the residence on rent at Bhubaneswar for accommodation of his family.

6. Taking into consideration the submissions made by learned counsel for the parties, this Court without expressing

any opinion the merits of the case of the Petitioner disposes of the writ petition with a direction that on furnishing a fresh representation before the DIG-cum-Estate Officer, Group Centre, CRPF, Bhubaneswar-Opposite Party No.3 within a period of seven days hence along with certified copy of this order, he shall do well to consider the same in accordance with law as expeditiously as possible preferably within a period of one month therefrom.

7. Till disposal of such representation, if filed within the time stipulated above, no coercive action for recovery and for his eviction from Qrs. No. 315, Type-II, Group Centre, Bhubaneswar shall be taken/made against the Petitioner, if he has not been evicted in the meantime.

Urgent certified copy of this order be granted on proper application.

(K.R. Mohapatra)
Judge